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Docket No.: A-2812

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MAIL STOP: APPEAL BRIEF-PATENTS

By: _____ Date: June 30, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

Applic. No.	:	09/927,545 Confirmation No.: 6082
Inventor	:	Peter Schlemm
Filed	:	August 9, 2001
Title	:	Method and Device for Executing Method Steps
TC/A.U.	:	2857
Examiner	:	Anthony Gutierrez
Customer No.	**:**	**24131**

Hon. Commissioner for Patents
Alexandria, VA 22313-1450

BRIEF ON APPEAL

S i r :

This is an appeal from the final rejection in the Office action dated November 8, 2004, finally rejecting claims 1-16.

Appellants submit this *Brief on Appeal* in triplicate, including payment in the amount of $500.00 to cover the fee for filing the *Brief on Appeal*.

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Real Party in Interest:

This application is assigned to Heidelberger Druckmaschinen AG of Heidelberg, Germany. The assignment will be submitted for recordation upon the termination of this appeal.

Related Appeals and Interferences:

No related appeals or interference proceedings are currently pending which would directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

Status of Claims:

Claims 1-16 are rejected and are under appeal. No claims were cancelled.

Status of Amendments:

Claims 4 and 13 were amended after the final Office action. *An amendment under 37 CFR § 1.116* was filed on February 8, 2005. The Primary Examiner stated in an *Advisory Action* dated March 8, 2005, that the request for reconsideration had been considered but did not place the application in condition for allowance.

Summary of the Claimed Subject Matter:

As stated in the first paragraph on page 1 of the specification of the instant application, the invention

relates to a method for processing method steps, whereby an output signal is output in one method step. The invention also pertains to the processing of method steps with a control device that outputs an output signal.

Applicant explained on page 8 of the specification, line 2, that, referring now to the figures of the drawing in detail and first, particularly, to Fig. 1 thereof, there is seen a device for controlling a first printing machine 7. Certain method steps are executed for controlling the first printing machine 7. The method steps are, by way of example, realized in the form of hardware and/or in the form of computer programs.

Appellant further stated on page 8 of the specification, line 9, that the device comprises a control apparatus 2, which is connected with an input unit 1 via an input line 8, and with an output unit 4 via an output line 9, and with a storage device 3 via a data line 10, and with a second control apparatus 5 via a first interface 11, and with first printing machine 7 via control lines 12.

It is described in the last paragraph on page 9 of the specification, line 19, that, referring now to Fig. 2, there is shown, schematically, a main system 28 with the first

control apparatus 2 as a master computer, connected via an interface 11 with a first subsystem 21. The second control apparatus 5 is arranged in the first subsystem 21. In addition, main system 28 is connected, via additional interfaces 22, 23, with a second and third subsystem 24, 25. Second and third subsystem each comprise a control apparatus with input and output and storage device.

Appellant mentioned on page 11 of the specification, line 15, that, at program point 30, the first control apparatus 2 starts the program flow and carries out an initialization of the data and data files required for the execution of first module 26. At the following program point 35, the first control apparatus 2 writes to the first storage device 3, in a first list, that the first module 26 is being executed, and additionally writes the memory address x, y from which the first module 26 was read out, and writes the first storage device 3 as the memory location of the memory address. In addition, the first storage device 2 writes to the first list that the first module 26 is being executed by the main system 28.

Appellant stated on page 12 of the specification, line 10, that, subsequently, at program point 38 the first control apparatus 2 executes method steps.

It is further described on page 12 of the specification, line 10, that, subsequently, at program point 40 a branching takes place to program point 100 of second module 27. The branching at program point 40 can be conditional or unconditional. The branching to program point 100 means that first control apparatus 2 outputs a control command to second control apparatus 5 via first interface 11. After receiving the control command at program point 100, second control apparatus 5 begins to execute second program module 27. At program point 100, second control apparatus 5 writes to a second list of second storage device 6 that the execution of second module 27 was initiated by first control apparatus 5 at program point 20 of first module 26.

It is also stated on page 13 of the specification, line 13, that, in addition, at program point 122 an output command is produced for the outputting of an item of information. An item of information is used for example to obtain an overview of the execution of the method steps. In a network, it is of interest to know which control apparatus executes, or makes use of, which method steps, modules, storage devices, etc.. An item of output information is thereby preferably stored in a first output field of second data storage device 6.

Appellant described on page 14 of the specification, line 4, that, subsequently, program step 125 is executed, wherein a correct functioning of the execution of the program steps of second module 27, or a correct functioning of first and second printing machine 7, 19 is monitored. If the monitoring of the execution of the method steps reveals that an error has occurred, an item of error information is stored in a second output field of second storage device 6.

Appellant stated in the last paragraph on page 14 of the specification, line 20, that, if the monitoring of the functioning of first or second printing machine 7, 19 reveals that a malfunction has occurred, then in second storage device 6 an item of output information is stored in a third output field.

Appellant explained on page 15 of the specification, line 9, that, in the following program step 130, second control apparatus 5 checks whether the first, second, or third output field of second storage device 6 is occupied. If this is the case, branching takes place to program point 140. At program point 140 it is checked whether the information mode, the error mode for the program flow, or the error mode for the manner of functioning of first or second printing machine 7, 19 is switched on. In addition, for the three output modes

there are stored in second storage device 6 three memory fields, which are occupied with the value 1 when the corresponding modes are switched on. A switching on of the modes takes place either via an input or, dependent on a condition, automatically via second control apparatus 5.

It is further outlined on page 15 of the specification, line 23, that, if the query at program point 140 yields the result that one of the three output mode is switched on, branching takes place to program point 145. At program point 145, the output information is outputted via first or second output unit 4, 17. Subsequently, branching takes place to program point 150.

Appellant stated in the last paragraph on page 15 of the specification, line 23, that, if the query at program point 140 yields the result that none of the output modes are switched on, branching takes place directly to program point 150.

Appellant outlined on page 16 of the specification, line 4, that, if the query at program point 130 yields the result that none of the output fields are occupied, branching takes place directly to program point 150.

Appellant explained on page 17 of the specification, line 4, that, after execution of the method steps, at program point 45 an information output is produced, preferably dependent on a predetermined event, and is stored by first control apparatus 2 in first storage device 3, in a first output field.

Appellant explained on page 19 of the specification, line 1, that, if the check at program point 50 reveals that at least one of the three output fields is occupied, branching takes place to program point 60. At program point 60, first control apparatus 2 checks whether the output mode for an item of information, the output mode for an error message relating to the program flow, or the output mode for the error message relating to the functioning of first or second printing machine 7, 19 is switched on. For this purpose, in storage device 3 there are stored three memory fields, one memory field being allocated respectively to one of the three modes of information. If an output mode is switched on, the corresponding memory field is occupied with the value 1.

Appellant further mentioned on page 19 of the specification, line 20, that, at program point 70, first control apparatus 2 outputs the information concerning first or second output unit 4, 17.

Appellant explained on page 21 of the specification, line 1, that, in a preferred specific embodiment, the output modes can be switched on or switched off during the operation of first and second control apparatus 2, 5. In addition, the content of the outputs can be modified via a corresponding input via first or second input unit 1, 15. For example, different items of information can be determined for output for the various output modes.

References Cited:

5,764,900 Morris, et al. June 9, 1998

Grounds of Rejection to be Reviewed on Appeal

1. Whether or not claims 1-16 are anticipated by Morris et al. (U.S. Patent No. 5,764,900) (hereinafter "Morris") under 35 U.S.C. §102(b).

Grouping of Claims:

Claims 1 and 9 are independent. Claims 2-8 depend on claim 1 and claims 10-16 depend on claim 9. The patentability of claims 2-8 and 10-16 are not separately argued. Therefore, claims 2-8 and 10-16 stand or fall with claim 1 and 9 respectively.

Argument:

Claims 1 and 9 are not anticipated by Morris under 35 U.S.C. §102:

Claim 1 calls for, *inter alia*:

checking whether an output mode is switched on, and producing an output signal in a method step and outputting the output signal only if the output mode is switched on.

The Morris reference discloses how to process sound signals in a computer network with several computers transmitting sound data from several computer clients to another computer. All sound signals that are transmitted are played back by the last computer, which requires coordination of the sound signals that are transmitted. Morris discloses that the sound signals are transmitted with data packages carrying source addresses which indicate on which speaker the sound signal is to be played back. If the sound signal is to be played back on the right side speaker, that address is assigned to the sound signal and the same is arranged for the left side. Morris

discloses a method of how to encode sound signals in order to guarantee correct playback on a corresponding speaker.

The reference does not show checking whether an output mode is switched on, and producing an output signal in a method step and outputting the output signal only if the output mode is switched on, as recited in claim 1 of the instant application. The Morris reference discloses checking which address the source signal has. Morris does not disclose checking if an output mode is switched on. This is contrary to the invention of the instant application as claimed, which recites checking whether an output mode is switched on, and producing an output signal in a method step and outputting the output signal only if the output mode is switched on.

Claim 9 calls for, *inter alia*:

the control apparatus being configured to check whether an output mode is switched on, and to output the output signal if the output mode is switched on.

The reference does not show the control apparatus being configured to check whether an output mode is switched on, and to output the output signal if the output mode is switched on, as recited in claim 9 of the instant application. The Morris

reference discloses checking which address the source signal has. Morris does not disclose checking if an output mode is switched on or off. This is contrary to the invention of the instant application as claimed, in which the control apparatus is configured to check whether an output mode is switched on, and to output the output signal if the output mode is switched on.

Furthermore, the Examiner bases the rejection on the disclosure found in column 6, lines 34-51 of Morris. An electrical signal containing an acoustic signal can be considered an output signal. However, contrary to the Examiner's position, appellant does **not** agree that the Morris reference discloses that an output mode can be switched on or off. The Examiner emphasizes the wording "if and then" stating that "if client computer A active sound buffer 420 stores a first message packet, then client computer A enhancement routines 530 can examine the source addresses of the message packets." The Examiner continues to state that "the acoustic (or output) signal will only be output to client computer A if the enhancement routines are in effect." However, the Morris reference does not disclose anything about the possibility of switching on or off any enhancement routines, because the signal enhancement routines are always in effect. Of course there is no output signal if there is no

data in the corresponding buffer storage. But if there are no data in the buffer storage, there is also no output signal, which means that no choice is provided to switch the output signal on or off, because in order to achieve this, the output signal must at least be produced and available. If the buffer storage of Morris is empty, no output signal is produced at all.

It is the Examiner's position that the enhancement routines must first check whether or not the sound buffers store any message packet, but the Examiner's position is based on a misunderstanding. The enhancement routines do not have to check if there is anything stored in the buffer because the content of the buffer is always processed by the enhancement routines.

Claims 1 and 9 of the instant application explicitly recite checking whether an output mode is switched on, and outputting the output signal only if the output mode is switched on. The difference between the present invention as claimed and Morris can best be understood by the following comparison. The method disclosed by Morris includes receiving a sound signal and processing this sound signal through enhancement routines to the corresponding loudspeakers based upon the information included in the acoustic signal. However, if an acoustic

sound signal is provided by the corresponding source, the processing can't be stopped by switching an output mode on or off. According to the present invention as claimed, signals, such as error signals, are also constantly produced by a computer system, however, the signals are only output if the output mode is switched on. In the instant application, the output mode is a feature that offers a choice.

As seen from the above given comments, the reference does not show the control apparatus being configured to check whether an output mode is switched on, and to output the output signal if the output mode is switched on, as recited in claims 1 and 9 of the instant application.

Based on the above-given comments, the honorable Board is therefore respectfully urged to reverse the final rejection of the Primary Examiner.

Respectfully submitted,



Alfred K. Dassler
52,794

Alfred Dassler, Reg. No. 52,794

AKD/bb

Date: June 30, 2005
Lerner and Greenberg, P.A.
Post Office Box 2480
Hollywood, Florida 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101

Claims Appendix:

1. A method of executing method steps, which comprises:

checking whether an output mode is switched on; and

producing an output signal in a method step and outputting the output signal only if the output mode is switched on.

2. The method according to claim 1, wherein the method steps are divided into modules, and the method comprises changing from one module to another module during the execution of the method steps, and wherein the output signal comprises an identifier indicating in which module the output signal was produced.

3. The method according to claim 1, which comprises executing the method steps in a plurality of devices, and generating the output signal with an identifier indicating the device in which the output signal was produced.

4. The method according to claim 1, wherein the method steps are stored as digital data in a storage device, and the method comprises reading out the method steps from the storage device and executed the method steps, and wherein the output signal comprises an identifier indicating where the method step is stored that produced the output signal.

5. The method according to claim 1, wherein the output signal comprises an identifier indicating in which method step the output signal was produced.

6. The method according to claim 1, wherein the output mode is one of a plurality of output modes, and the method comprises checking which output mode is set, and wherein the output signal comprises an identifier indicating to which output mode the output signal belongs, and wherein only the output signals belonging to the set output mode are outputted.

7. The method according to claim 1, which comprises outputting the output signal via an output unit as a signal selected from the group consisting of optical and acoustic signals.

8. The method according to claim 1, wherein the output signal is stored in a storage device, together with an indication of a time at which the output signal was stored.

9. A device for executing method steps, which comprises a control apparatus producing an output signal, said control apparatus being configured to check whether an output mode is

switched on, and to output the output signal if the output mode is switched on.

10. The device according to claim 9, wherein said control apparatus is a first control apparatus and comprising a second control apparatus, and wherein one of said first and second control apparatus produces the output signal, and said first or second control apparatus outputs the output signal if an output mode is switched on, and the output signal comprises an identifier indicating whether the output signal was produced by said first or second control apparatus.

11. The device according to claim 9, wherein the output signal includes an identifier indicating at which method step the output signal was produced.

12. The device according to claim 10, wherein at least one of said first and second control apparatus executes method steps in the form of program modules, and the output signal comprises an identifier indicating the module in which the output signal was produced.

13. The device according to claim 10, which further comprises a storage device storing the method steps;

and wherein at least one of said first and second control apparatus is configured to read out the method steps for the execution from the storage device; and

wherein the output signal comprises an identifier indicating a location at which the method steps are stored as digital data in said storage device.

14. The device according to claim 13, wherein the location is identified in said storage device via a memory address.

15. The device according to claim 13, wherein the location is identified in said storage device via a data filename.

16. The device according to claim 9, which further comprises input means configured to enable selective switching on and switching off of the output mode even during the execution of the method steps.